

REMARKS

Careful consideration has been given to the Official Action of January 30, 2007 and reconsideration of the application is respectfully requested.

The specification has been amended to effect the changes proposed by the Examiner in Paragraph 2 of the Official Action.

The Examiner's acknowledgment of the Information Disclosure Statement submitted on October 14, 2004 has been noted with appreciation. However, in view of the typographical error contained therein, submitted herewith is an updated PTO form 1449 in which the patent number of the Bixler et al. reference has been corrected in correspondence with the international-type search report from the Australian Patent Office previously submitted with the October 14 Information Disclosure Statement. A copy of the cover page of the Bixler et al. reference is also submitted herewith.

Claims 37-52 have been canceled without prejudice in favor of new claims 61-73.

Claim 46 is objected to by the Examiner under 37 CFR 1.75(c) as allegedly being of improper dependent form.

Claim 51 is objected to by the Examiner because of informalities.

Claims 37-40, 43-46, and 51-52 are rejected by the Examiner under 35 USC 102(b) as allegedly being anticipated by Mathieu (US 2,197,478).

Claims 37-39, and 41-43 are rejected by the Examiner under 35 USC 102(b) as being anticipated by Love (US 5,806,549).

Claims 47-50 are rejected by the Examiner under 35 USC 103(a) as being allegedly unpatentable over Mathieu in view of Bennett (US 574,235).

Claims 46 and 51 have been canceled in the new claims, thereby rendering moot the Examiner's objections thereto.

The claimed invention is clearly distinguished and patentable over the references cited by the Examiner as will be explained hereafter.

REJECTION UNDER 35 USC 102(b) BY MATHIEU:

The claimed invention is directed to a collapsible structure which is movable between an expanded position in which the structure provides a three dimensional enclosure therewithin and a collapsed position in which the structure forms a substantially flat panel. To achieve this, the claimed invention provides a collapsible structure, which includes side portions, upper connection portions, and lower connection portions, which in turn include members that are pivotally connected to one another as recited in the claims.

In contrast, Mathieu discloses a collapsible ring that is clearly distinguished from the collapsible structure of the claimed invention. In particular, Mathieu does not disclose the "connecting portions" as defined in claim 1 of the present invention. Also, Mathieu does not teach or suggest a three-dimensional enclosure within the collapsible ring, in contrast with the collapsible structure of the claimed invention. Hence, Mathieu does not disclose a three stage collapse of the collapsible structure according to the present invention.

Accordingly, the present invention is clearly distinguishable from Mathieu.

REJECTION UNDER 35 USC 102(b) BY LOVE:

Love discloses a collapsible shelter for a vehicle. The only part of the collapsible shelter which is collapsible is the canopy 12. The canopy 12 is a two dimensional structure when expanded. The legs 14 are detachable from the canopy 12, and are not pivotably connected to the canopy 12. Additionally, the upper and lower parts 50 and 52 of the legs 14 are not pivotably connected to one another to allow collapsibility either by itself or with the canopy 12. Therefore Love does not disclose a three-dimensional enclosure when expanded, in contrast to the collapsible structure of the present invention. Similar to Mathieu, Love does not teach or suggest the side portions and the connection portions as recited in the claimed invention. Hence, Love does not disclose a three stage collapse of the collapsible structure according to the present invention.

Accordingly, the present invention is clearly distinguishable from Love.

REJECTION UNDER 35 USC 103(a) BY MATHIEU IN VIEW OF BENNITT:

Bennitt discloses a bicycle-canopy. Similar to Methieu and Love, the canopy of Bennitt is only a two-dimensional structure when expanded (the supports C and C' are not collapsible) in contrast to the collapsible structure of the present invention. Hence, Bennitt does not disclose a collapsible structure which provides a three-dimension enclosure in the expanded position, or the three stage collapse of the collapsible structure according to the present invention.

Accordingly, the present invention is clearly distinguishable from Bennitt.

Furthermore, inasmuch as neither Methieu, Love, nor Bennitt discloses the claimed collapsible structure which provides a three-dimension enclosure in the expanded position, or the three stage collapse of the collapsible structure according to the claimed invention, their combination cannot either.

Therefore, the claimed invention is clearly patentable over Methieu, Love, and Bennitt, taken singly or in combination.

In view of the above action and comments, it is respectfully submitted that the application is in condition for allowance, and favorable reconsideration of the application as amended is earnestly solicited.

Respectfully submitted,

CLIFFORD J. MASS
c/o Ladas & Parry LLP
26 West 61st Street
New York, New York 10023
Reg. No. 30,086
Tel. No. (212) 708-1890